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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,408	03/16/2004	Manfred Watzl	WATZL	5094
20151	7590	06/20/2006	EXAMINER	
HENRY M FEIEREISEN, LLC 350 FIFTH AVENUE SUITE 4714 NEW YORK, NY 10118			PIPALA, EDWARD J	
			ART UNIT	PAPER NUMBER
			3663	

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/801,408

Applicant(s)

WATZL, MANFRED

Examiner

Edward Pipala

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/16/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office action is in response to Applicant's election and remarks received April 10, 2006. Upon reviewing Applicant's remarks the restriction requirement of 3/15/06 is hereby being vacated. Claims 1-11 are presently pending.

### ***Information Disclosure Statement***

2. Applicant's IDS filed 3/16/04 has been fully considered by the Examiner as indicated by the accompanying initialed copy of Applicant's form PTO-1449.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the method of claim 1, the releasing of a gas as recited in claim 2, that the gas is nitrous oxide should be labeled in a drawing, as recited in claim 3, the manner of implementing the "exposing persons to acoustic irradiation" recited in claim 4, the manner of immobilization by "exposing persons to electro-stimulation" as recited in claim 5, the "first means for activating an autopilot system for automatically flying an aircraft to a landing at a nearest airport", "second means for immobilizing all persons on-board the aircraft" (from claim 6), "a release mechanism installed in a body of the aircraft for discharging a gas throughout the interior of the aircraft" (from claim 7), "wherein the gas is nitrous oxide" (from claim 8), "a manually operated panic button operatively connected to the autopilot system and the release mechanism (from claim 9), the activation of the panic button through speech recognition as recited in claim 10, and the use of a touch screen to

Art Unit: 3663

activate the panic button (as recited in claim 11), must all be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 4 and 5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant's specification is essentially completely devoted or directed to an embodiment disclosing only the use of laughing gas (nitrous oxide) to combat an airborne hijacking attempt, with virtually no mention or teachings with respect to implementing the subject matter of claims 4 and 5, other than the claims themselves. It is quite unlikely that it would be common knowledge for one of skill in the art to make and use the invention of claims 4 and 5, given Applicant's present disclosure.

### ***Specification***

5. The Specification is objected to for failing to disclose the subject matter of claims 4 and 5, relating to exposing persons to acoustic irradiation and electro-stimulation.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 6-11 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Moretto (US Pub. 2003/0163232 A1).

With respect to claim 1 which recites a method of protecting an airborne aircraft against hijacking by activating an autopilot system to land the aircraft at the nearest airport and immobilizing all persons onboard the aircraft, please see at least the abstract of Moretto ('232) which teaches an irreversible-control anti-hijack system wherein the aircraft is flown by the autopilot system to the nearest airport and which also introduces a tranquilizing gas into the aircraft's entire interior.

With respect to claims 2 and 3, which further recite the release of a gas throughout the interior of the aircraft and the use of nitrous oxide, please see the last line of the abstract referenced above as well as element 32 of figure 1 labeled an ATI (Automatic Tranquil-Infusion system) System, as well as sections 0021, 0022, 0062.

Independent claim 6 recites an apparatus for protecting an aircraft from hijacking by first activating an autopilot system to fly the aircraft to the nearest airport for landing, and then secondly immobilizing all persons aboard the aircraft.

Dependent claim 7 recites releasing a gas throughout the interior of the aircraft, whereas dependent claim 8 recites that the gas is nitrous oxide. Once again Applicant is referred to the rejection of claims 2 and 3 above.

Claim 9 recites that the "first means" includes a manually operated "panic button". In this respect please see at least lines 5-9 of the abstract wherein it is disclosed that the anti-hijacking system of Moretto ('232) "enables airliner-pilots to conveniently actuate an inconspicuous AIRCIA <sup>TM</sup>/enable-switch, thereby instantly

Art Unit: 3663

disabling onboard flight-commands to render the airliner's guidance-system irretrievably placed into total reliance on its autopilot system".

With respect to claims 10 and 11, which recite the use of speech recognition and a touch screen, respectively, as a release mechanism, please see Figure 1 and element 24 labeled as a VRS (voice recognition system), as well as elements 21 (avionics), 28 (autopilot systems) which are known to make use of touch screen displays.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moretto ('232) in view of Allen (US Pub. 2003/0052226 A1).

Moretto ('232) discloses an anti-hijacking system in which immobilization of all persons onboard is accomplished by releasing a tranquilizing gas throughout the Interior of the aircraft, but does not disclose the use of or exposing the persons onboard the aircraft to acoustic irradiation.

Allen discloses an integrated non-lethal weapon system for a commercial aircraft, where section 0009 teaches that "stun grenades have been used in the past and that they create a blinding flash "followed by a loud explosion", and that the concussion (acoustic irradiation) renders the threat stunned.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have supplemented the tranquilizing gas infusion of Moretto ('232) for the stun grenades taught by Allen because both make use of non-lethal force in the field of protecting an airborne aircraft.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moretto ('232) in view of Hahne et al. (US Pub. 2003/0214418 A1).

Moretto ('232) discloses an anti-hijacking system in which immobilization of all persons onboard is accomplished by releasing a tranquilizing gas throughout the interior of the aircraft, but does not disclose the use of or exposing the persons onboard the aircraft to electro-stimulation.

Hahne et al. discloses method of providing air travel security for passengers traveling via aircraft by situating a remotely activatable electric shock device on each of the passengers in position to deliver a disabling electric shock when activated.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have supplemented the tranquilizing gas infusion of Moretto ('232) for the electric shock devices of Hahne et al., because both make use of non-lethal force in the field of protecting an airborne aircraft.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Pipala whose telephone number is 571-272-1360. The examiner can normally be reached on M-F 9-5:30.




Art Unit: 3663

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ejp



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